

**Introduced by Senator Margett**

February 22, 2005

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An act to amend Section 21165 of the Public Resources Code, relating to environmental quality.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 648, as introduced, Margett. CEPA: lead agencies: determinations.

The existing California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA authorizes any public agency, or in certain cases, the project applicant, in the event that a dispute arises with respect to a project to be carried out or approved by two or more public agencies, as to which is the lead agency, to submit the question to the Office of Planning and Research, and the office is required to designate, within 21 days of receiving the request, the lead agency, giving due consideration to the capacity of the agency to adequately fulfill the requirements of the act.

This bill would specify that a dispute exists when any of those public agencies claims that it either has or does not have the obligation to prepare an environmental document.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 21165 of the Public Resources Code is  
2     amended to read:  
3     21165. When a project is to be carried out or approved by two  
4     or more public agencies, the determination of whether the project  
5     may have a significant effect on the environment shall be made  
6     by the lead agency, and ~~such~~ *that* agency shall prepare, or cause  
7     to be prepared by contract, the environmental impact report for  
8     the project, if ~~such~~ a report is required by this division. In the  
9     event that a dispute arises as to which is the lead agency, ~~any~~  
10    ~~public agency~~ *any of the disputing public agencies*, or in the case  
11    of a project described in subdivision (c) of Section 21065 the  
12    applicant for such project, may submit the question to the Office  
13    of Planning and Research, and the Office of Planning and  
14    Research shall designate, within 21 days of receiving ~~such~~ *the*  
15    request, the lead agency, giving due consideration to the capacity  
16    of ~~such~~ *that* agency to adequately fulfill the requirements of this  
17    division, *and in accordance with the regulations set forth in Title*  
18    *14 (commencing with Section 14100) of the California Code of*  
19    *Regulations. A dispute exists when any of the public agencies*  
20    *claims that it either has or does not have the obligation to*  
21    *prepare an environmental document.*